

RESOLUTION NO. 19-04

A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY *Certifying the City of Marina Veterans Transition Center General Plan Map Amendment and Permanent Supportive Housing at 229-239 Hayes Circle in Marina Development Entitlement*

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan under Government Code Section 67675, et seq.
- B. After FORA adopted the reuse plan, Government Code Section 67675, et seq. requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements in Government Code 67675, et seq.
- D. The City of Marina ("Marina") is a member of FORA. Marina has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After noticed public meetings on October 25, 2018 and November 20, 2018, Marina adopted a General Plan Map Amendment (GP 2016-01) to reclassify the property land use designation from "Single Family" to "Multiple Family Residential" for the property located on a ±2.4 acre project site at 229-239 Hayes Circle (APN 031-021-040), affecting lands on the former Fort Ord. Marina also authorized development entitlements concerning a proposed Veterans Transition Center Permanent Supportive Housing project at 229-239 Hayes Circle in Marina ("VTC Permanent Supportive Housing"). Marina adopted a Mitigated Negative Declaration on the VTC Permanent Supportive Housing project, and adopted a resolution to grant a Combined Development Permit consisting of a Conditional Use Permit (UP 2016-02) for the multiple-family residential development to exceed 25 units per acre, Site and Architectural Design Review (DR 2016-05) for the site plan, elevations and landscape plan for a new three-story seventy-one unit multi-family residential apartment complex, and a Tree Removal Permit (TP 2016-02) to allow nine trees to be removed on the project site at 229-239 Hayes Circle (APN: 031-021-040).
- F. Marina found the VTC Permanent Supportive Housing is consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the FORA Act and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report ("FEIR") in their review and deliberations on February 5, 2019.
- G. Consistent with the Implementation Agreements between FORA and Marina, on March 1, 2019 Marina provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to Marina's action, the project's Initial Study/Mitigated Negative Declaration and Appendices, and findings and evidence supporting its determination that the VTC Permanent Supportive Housing is consistent with the Fort Ord Base Reuse Plan and the

FORA Act (collectively, "Supporting Material"). Marina requested that FORA certify the VTC Permanent Supportive Housing project as being consistent with the Fort Ord Base Reuse Plan since the project lies entirely within FORA's jurisdiction.

- H. On March 1, 2019, Marina requested that FORA certify Marina's VTC Permanent Supportive Housing as consistent with FORA's Final Base Reuse Plan, certified by the Board on June 13, 1997. Marina submitted to FORA the VTC Permanent Supportive Housing plan together with the Supporting Material.
- I. FORA's Executive Officer and the FORA Administrative Committee reviewed Marina's determination of consistency evaluation. The Executive Officer submitted a report recommending that the FORA Board find that the VTC Permanent Supportive Housing project is consistent with the Fort Ord Base Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Executive Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the VTC Permanent Supportive Housing project before the FORA Board on April 12, 2019.
- J. Master Resolution, Chapter 8, Section 8.01.020(e) reads in part: "(e) In the event the Authority Board refuses to certify the legislative land use decision in whole or in part, the Authority Board's resolution making findings shall include suggested modifications which, if adopted and transmitted to the Authority Board by the affected land use agency, will allow the legislative land use decision to be certified. If such modifications are adopted by the affected land use agency as suggested, and the Executive Officer confirms such modifications have been made, the legislative land use decision shall be deemed certified."
- K. FORA's review, evaluation, and determination of consistency is based on six criteria identified in section 8.02.010. Evaluation of these six criteria form a basis for the Board's decision to certify or to refuse to certify the legislative land use decision.
- L. The term "consistency" is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." This includes compliance with required procedures such as section 8.02.010 of the FORA Master Resolution.
- M. Master Resolution, Chapter 8, Section 8.02.010(a)(1-6) reads as follows: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that (1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory; (2) Provides for a development more dense than the density of use permitted in the Reuse Plan for the affected territory; (3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution. (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority; (5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to

provide adequate public services to the property covered by the legislative land use decision; and (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan."

- N. Master Resolution, Chapter 8, Section 8.02.030(a)(1-8) reads: "(a) In the review, evaluation, and determination of consistency regarding any development entitlement presented to the Authority Board pursuant to Section 8.01.030 of this Resolution, the Authority Board shall withhold a finding of consistency for any development entitlement that: (1) Provides an intensity of land use which is more intense than that provided for in the applicable legislative land use decisions, which the Authority Board has found consistent with the Reuse Plan; (2) Is more dense than the density of development permitted in the applicable legislative land use decisions which the Authority Board has found consistent with the Reuse Plan; (3) Is not conditioned upon providing, performing, funding, or making an agreement guaranteeing the provision, performance, or funding of all programs applicable to the development entitlement as specified in the Reuse Plan and in Section 8.02.020 of this Master Resolution and consistent with local determinations made pursuant to Section 8.02.040 of this Resolution. (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority. (5) Does not require or otherwise provide for the financing and installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the applicable legislative land use decision. (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan. (7) Is not consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board. (8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution."

NOW THEREFORE the FORA Board hereby resolves that:

1. The FORA Board acknowledges Marina's recommendations and actions of March 1, 2019 requesting that the FORA Board certify that the VTC Permanent Supportive Housing project and the Reuse Plan are consistent.
2. The FORA Board has reviewed and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report and Marina's environmental documentation is adequate and complies with the California Environmental Quality Act, and finds that these documents provide substantial additional information for purposes of FORA's determination that the VTC Permanent Supportive Housing project and the Reuse Plan are consistent.
3. The FORA Board has considered all the materials submitted with this application for a consistency determination, the recommendations of the Executive Officer and the Administrative Committee, and the oral and written testimony presented at the hearings, all of which are hereby incorporated by reference.
4. The FORA Board certifies that the VTC Permanent Supportive Housing project is consistent with the Reuse Plan. The FORA Board further finds that Marina's legislative land use decision and development entitlements are based in part upon the substantial

evidence submitted and a weighing of the Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided.

5. Marina's VTC Permanent Supportive Housing project will, considering all its aspects, further the objectives and policies of the Reuse Plan. The Marina application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the Reuse Plan.

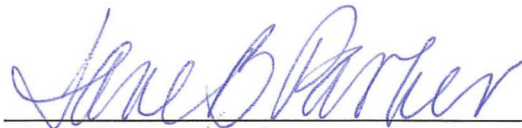
Upon motion by Haffa, seconded by Adams, the foregoing Resolution was passed on this 12th day of April, 2019, by the following vote:

AYES: PARKER, GUNTER, O'CONNELL, MORTON, ADAMS, PHILLIPS, CARBONE, REIMERS, HAFFA, GAGLIOTI, WIZARD, OGLESBY, GARFIELD

NOES:

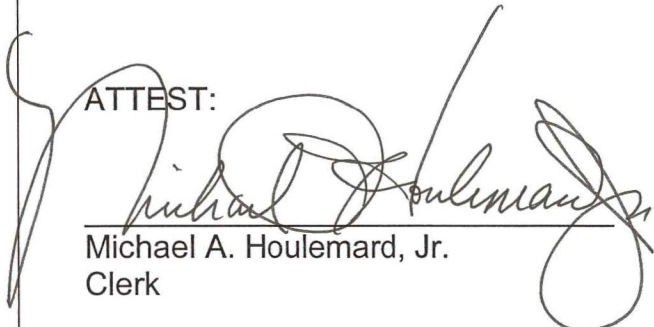
ABSTENTIONS:

ABSENT:



Jane Parker, Chair

ATTEST:



Michael A. Houlemard, Jr.
Clerk